

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 344 (M/S) OF 2006

1. Dheer Singh adopted S/o Bakhta

2. Telu Ram S/o Phullu

3. Munna S/o Phullu

All R/o Vill. Shivdaspur @ Talliwala Pargana & Tehsil

Roorkee District Hardwar.

.....Petitioners

Versus

1. Deputy Director of Consolidation/Asstt. Collector Hardwar District Hardwar.

2. Assistant Settlement Officer Consolidation, Hardwar at Roorkee.

3. Consolidation Officer Roorkee District Hardwar.

4. Moh. Ummar.

5. Irshad

6. Ayuub

7. Mahboob

8. Moh. Shamim

All S/o Jhura R/o Village Shivdaspur @ Talliwala Pargana & Tehsil

Roorkee District Hardwar.

.... Respondents

05.04.2006

Sri Nagesh Agarwal, learned counsel for the petitioners.

Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri Nagesh Agarwal, Learned Counsel for the petitioners and Learned Standing Counsel for the respondents.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order dated 25.01.2006, 28.07.2005 & 30.12.1989 passed by respondent No.1, 2 & 3 respectively.

Briefly stated the petitioners were recorded Bhumidhar of Khasra No. 731/2 pertaining to Khata No. 150 area measuring about 7 Bigha in Village Shivdaspur @ Teliwala pargana Roorkee Teh. Roorkee now in Pargana Jwalapur Teh. Hardwar, which is a part of the Khasra No. 731 of Khata No. 150 constituting total area about 26 bigha.

Petitioners have stated that without any spot inspection the Consolidation Officer has decided the matter.

The petitioners have also preferred an appeal which was dismissed by the Respondent No.2 against which the petitioners have preferred the revision which was remanded by the respondent No. 1 to decide a fresh after making spot inspection.

In view of the order dated 25.01.2006 passed in Revision No. 705/2005-2006, the entire matter is sent back for deciding in accordance with the directions given in revision No. 704/2004-2005 Dheer Singh Vs. Mohd. Umar and others. In the meantime, parties are directed to maintain status quo.

Subject to the aforesaid, writ petition is dismissed.

(Rajesh Tandon, J.)

05.04.2006

Jain